

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
PES ACTION CORPORATION FOR
CERTIFICATION AS A COMPETITIVE
RETAIL ELECTRIC BROKER IN OHIO.

CASE NO. 19-1146-EL-AGG

FINDING AND ORDER

Entered in the Journal on August 23, 2023

I. SUMMARY

{¶ 1} The Commission dismisses without prejudice the application of PES Action Corporation for certification as a competitive retail electric broker.

II. DISCUSSION

{¶ 2} On July 6, 2021, PES Action Corporation (PES) filed an application to renew its certification as a competitive retail electric broker in Ohio.

{¶ 3} Ohio Adm.Code 4901:1-24-10(A) provides that an application shall be deemed automatically approved pursuant to R.C 4928.08 upon the 31st day after the filing date. Further, Ohio Adm.Code 4901:1-24-10(A) provides that, upon good cause shown, an attorney examiner may suspend its consideration of an application.

{¶ 4} On August 5, 2021, the attorney examiner issued an Entry suspending approval of the application until the Commission specifically orders otherwise.

{¶ 5} PES amended its application with additional information on August 6, 2021, August 9, 2021, and October 28, 2021.

{¶ 6} On April 6, 2023, Staff filed a Review and Recommendation concerning PES's certificate renewal application. Staff explains that, even with the additional information that PES filed in August 2021 and October 2021, the financial section of its application is noncompliant. Staff adds that no additional information was docketed by PES

after the October 28, 2021 filing. Staff further states that, on January 26, 2023, and March 21, 2023, it attempted to contact PES using the email address specified in the application; no reply was received by Staff. Accordingly, Staff recommends that the application be dismissed without prejudice by the Commission.

{¶ 7} The Commission finds that Staff has sufficiently reviewed the information filed by PES and that Staff has made reasonable attempts to obtain any additional information from PES. Therefore, we find Staff's recommendation to dismiss PES's application to be reasonable, and the application to renew PES's certification as a competitive retail electric service broker shall be dismissed without prejudice. In addition, because renewal of certification shall be dismissed without prejudice, PES shall cease current broker activities associated with prior certification as a broker.

III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That PES's application to renew its certificate as a competitive retail electric service broker be dismissed without prejudice. It is, further,

{¶ 10} ORDERED, that PES shall cease current broker activities associated with prior certification as a broker. It is, further,

{¶ 11} ORDERED, That a copy of this Finding and Order be served upon all parties of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair
Daniel R. Conway
Lawrence K. Friedeman
Dennis P. Deters
John D. Williams

JML/dr

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Case No(s). 19-1146-EL-AGG

Summary: Finding & Order dismisses without prejudice the application of PES
Action Corporation for certification as a competitive retail electric broker.
electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission
of Ohio.